

ALLEGED VIOLATION: On or about June 14, July 7, and August 9, 19, 21, 22, and 23, 1949, while a number of the above-mentioned tablets and capsules were being held for sale at the Weipert Drug Co. after shipment in interstate commerce, various quantities of the tablets and capsules were repacked and sold without a prescription, which acts resulted in the repackaged tablets and capsules being misbranded. The Weipert Drug Co. and James V. Cockrum were charged with causing the acts of repacking and sale of the drugs involved in each of the eight counts of the information; and, in addition, Alfred Hoffman, in three of the counts, and Clyde Frick, in one of the counts, were charged with causing such acts to be done in connection with the drugs involved in those counts.

NATURE OF CHARGE: Misbranding, Section 502 (b) (1), the repackaged *dextro-amphetamine phosphate tablets*, *sulfadiazine tablets*, *Dexedrine sulfate tablets*, and a portion of the repackaged *Seconal sodium capsules* bore no label containing the name and place of business of the manufacturer, packer, or distributor; Section 502 (b) (2), the repackaged drugs bore no label containing a statement of the quantity of the contents; and Section 502 (e) (1), the repackaged *dextro-amphetamine phosphate tablets* failed to bear a label containing the common or usual name of such tablets, namely, dextro-amphetamine phosphate.

Further misbranding, Section 502 (d), the *Tuinal capsules* and *Seconal sodium capsules* contained chemical derivatives of barbituric acid, which derivatives had been by the Administrator of the Federal Security Agency, after investigation, found to be, and by regulations designated as, habit forming; and when repackaged, failed to bear labels containing the name, and quantity or proportion of such derivatives and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (f) (1), the labeling of each of the repackaged drugs failed to bear adequate directions for use since the directions on the labeling of the repackaged *Tuinal capsules* and on the labeling of a portion of the *Seconal sodium capsules*, namely, "One as needed," were not adequate directions for use, and since the labeling of a portion of the *seconal sodium capsules* and the labeling of the *dextro-amphetamine phosphate tablets*, *sulfadiazine tablets*, and *Dexedrine sulfate tablets* bore no directions for use; and, Section 502 (f) (2), the repackaged *dextro-amphetamine phosphate tablets* and *sulfadiazine tablets* bore no labeling containing warnings against use in those pathological conditions where their use may be dangerous to health, and against unsafe dosage and methods and duration of administration.

DISPOSITION: June 5, 1950. A plea of guilty was entered on behalf of the corporation and a plea of nolo contendere was entered on behalf of each individual defendant. The court thereupon imposed a fine of \$2,000 against the corporation, suspended the imposition of sentences against the individual defendants, and placed the individual defendants on probation for 1 year.

3144. Misbranding of Seconal sodium capsules, pentobarbital sodium capsules, and sulfadiazine tablets. U. S. v. Robert E. Thacker (Thacker Drug Store). Plea of nolo contendere. Fine, \$300. (F. D. C. No. 29109. Sample Nos. 55142-K, 55143-K, 55145-K, 55146-K, 55151-K, 55153-K.)

INFORMATION FILED: May 2, 1950, Western District of Oklahoma, against Robert E. Thacker, trading as the Thacker Drug Store, at Grandfield, Okla.

INTERSTATE SHIPMENT: From the States of Indiana and Missouri, of quantities of *Seconal sodium capsules*, *pentobarbital sodium capsules*, and *sulfadiazine tablets*.

ALLEGED VIOLATION: On or about March 23, 1949, while a number of *Seconal sodium capsules* were being held for sale after shipment in interstate commerce, the defendant caused the capsules to be sold and disposed of to a purchaser, in the original bottle in which the capsules had been shipped in interstate commerce, without a prescription of a physician. The capsules contained in the original bottle had been exempt from the requirements of Section 502 (f) (1), prior to the date of the sale, since the label bore the prescription legend required by the regulations. This exemption expired when the defendant sold the capsules without a physician's prescription and resulted in the misbranding of the capsules in violation of Section 502 (f) (1), since the bottle bore no labeling containing directions for use.

On or about February 18, March 22, and May 2 and 6, 1949, the defendant caused a number of *Seconal sodium capsules*, *pentobarbital sodium capsules*, and *sulfadiazine tablets* to be repackaged and sold to various persons without a prescription, which acts of the defendant resulted in the repackaged drugs being misbranded as follows: Section 502 (b) (1), the repackaged drugs failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor; Section 502 (b) (2), the repackaged drugs bore no labels containing accurate statements of the quantity of the contents; Section 502 (d), the repackaged *Seconal sodium capsules* and *pentobarbital sodium capsules* contained chemical derivatives of barbituric acid, which derivatives had been designated as habit forming, and the repackaged capsules bore no labels containing the name and quantity of such derivatives and in juxtaposition therewith the statement "Warning—May be habit forming"; Section 502 (f) (1), the labeling of the repackaged drugs bore no directions for use; and, Section 502 (f) (2), the labeling of the repackaged *sulfadiazine tablets* bore no warnings against use in those pathological conditions where its use may be dangerous to health, and against unsafe dosage and methods and duration of administration.

DISPOSITION: May 22, 1950. A plea of nolo contendere having been entered, the court imposed a fine of \$300.

3145. Misbranding of sulfadiazine tablets and sulfathiazole tablets. U. S. v. Howard B. Ridley and Albert G. Nickleberry. Pleas of nolo contendere. Fine of \$250 against each defendant. (F. D. C. No. 28153. Sample Nos. 32074-K, 34121-K, 34162-K.)

INFORMATION FILED: April 19, 1950, Northern District of California, against Howard B. Ridley, a partner in the partnership of Center Pharmacy, Oakland, Calif., and Albert G. Nickleberry, a pharmacist for the partnership.

INTERSTATE SHIPMENT: From North Chicago, Ill., and Indianapolis, Ind., into the State of California, of quantities of *sulfathiazole tablets* and *sulfadiazine tablets*.

ALLEGED VIOLATION: On or about January 13 and April 25 and 28, 1949, while the drugs were being held for sale after shipment in interstate commerce, the defendants caused various quantities of the drugs to be repacked and sold without a prescription, which acts of the defendants resulted in the repackaged drugs being misbranded.